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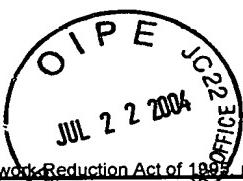
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PTO/SB/21 (02-04)
Approved for use through 07/31/2006. OMB 0651-0031
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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

	Application Number	09/917,963	
	Filing Date	July 30, 2001	
	First Named Inventor	Crooke et al.	
	Art Unit	1635	
	Examiner Name	S. McGarry	
Total Number of Pages in This Submission	12	Attorney Docket Number	ISPH-0591

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): <input type="checkbox"/> 4 pp. Request for Reconsideration of Patent Term Adjustment
Remarks		
Customer No. 36441		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	HOWSON AND HOWSON Mary E. Bak
Signature	
Date	July 20, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Kelly A. Karstaedt		
Signature		Date	July 20, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Customer No. 36441

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 200.00)

<i>Complete if Known</i>	
Application Number	09/917,963
Filing Date	July 30, 2001
First Named Inventor	Crooke et al.
Examiner Name	S. McGarry
Art Unit	1635
Attorney Docket No.	ISPH-0591

METHOD OF PAYMENT (*check all that apply*)

Check Credit card Money Order Other None

Deposit Account: _____

Deposit Account Number	08-3040
Deposit Account Name	HOWSON AND HOWSON

The Director is authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below	<input checked="" type="checkbox"/> Credit any overpayments
<input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s)	
<input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
to the above-identified deposit account.	

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)		(\$ 0.00)	

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/>	$-20^{**} =$ <input type="text"/> X	<input type="text"/>
Independent Claims	<input type="text"/>	$-3^{**} =$ <input type="text"/> X	<input type="text"/>
Multiple Dependent			

<u>Large Entity</u>	<u>Small Entity</u>	<u>Fee Description</u>
<u>Fee Code</u>	<u>Fee Code (\$)</u>	
1202	18	2202 9 Claims in excess of 20
1201	86	2201 43 Independent claims in excess of 3
1203	290	2203 145 Multiple dependent claim, if not paid
1204	86	2204 43 ** Reissue independent claims over original patent
1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

***or number previously paid, if greater: For Reissues, see above*

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)		Patent Term Adjustment			200

*Reduced by Basic Filing Fee Paid

CHARTOTAL (\$) 200.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 200.00

(Complete if applicable)

SUBMITTED BY

Name (Print/Type)	Mary E. Bak	Registration No. (Attorney/Agent)	31,215	Telephone	215-540-9200
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WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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Exhibit B

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JW

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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ENTERED

DUE 2/5/04

NOTICE OF ALLOWANCE AND FEE(S) DUE

36441 7590 11/05/2003

MARY E. BAK
HOWSON AND HOWSON, SPRING HOUSE CORPORATE
CENTER
BOX 457
SPRING HOUSE, PA 19477

NOV - 7 2003

EXAMINER

MCGARRY, SEAN

ART UNIT PAPER NUMBER

1635

DATE MAILED: 11/05/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,963	07/30/2001	Rosanne M. Crooke	ISPH-0591	9375

TITLE OF INVENTION: ANTISENSE MODULATION OF MICROSOMAL TRIGLYCERIDE TRANSFER PROTEIN EXPRESSION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$665	\$300	\$965	02/05/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.

Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,963	07/30/2001	Rosanne M. Crooke	ISPH-0591	9375
36441	7590	11/05/2003	EXAMINER	
			MCGARRY, SEAN	
		ART UNIT	PAPER NUMBER	
		1635		
DATE MAILED: 11/05/2003				

MARY E. BAK
HOWSON AND HOWSON, SPRING HOUSE CORPORATE
CENTER
BOX 457
SPRING HOUSE, PA 19477

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



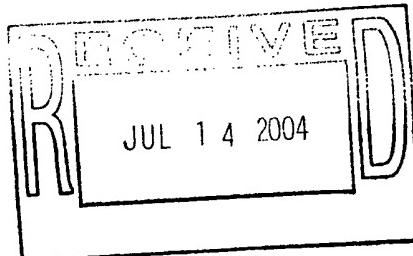
UNITED STATES PATENT AND TRADEMARK OFFICE



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United States Patent and Trademark Office
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P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,963	07/27/2004	6767739	ISPH-0591	9375
36441	7590	07/08/2004		

MARY E. BAK
 HOWSON AND HOWSON, SPRING HOUSE CORPORATE CENTER
 BOX 457
 SPRING HOUSE, PA 19477



ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 46 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

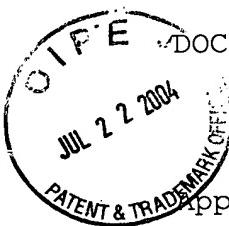
If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Rosanne M. Crooke, Carlsbad, CA;
 Mark J. Graham, San Clemente, CA;



DOCKET NO.: ISPH-0591

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 09/917,963 Confirmation No.: 9375

Applicant : Crooke et al.

Filed: : July 30, 2001

TC/A.U. : 1635

Examiner : S. McGarry

Customer No. : 36441

Title : ANTISENSE MODULATION OF MICROSOMAL
TRIGLYCERIDE TRANSFER PROTEIN EXPRESSION

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT

Sir:

This paper is being filed to request reconsideration of the patent term adjustment noted in the Issue Notification dated July 8, 2004 and received in the above-identified application (attached as Exhibit A). This Request is being filed prior to the anticipated issue date of July 27, 2004.

Certificate Under 37 CFR § 1.8

I hereby certify that this correspondence is being deposited with sufficient postage as first class mail with or is being facsimile transmitted to the United States Patent and Trademark Office at:
P.O. Box 1450
Alexandria, VA 22313-1450.

on July 20, 2004.

Kelly A. Karstaedt

^{Signature}
Kelly A. Karstaedt

The facts regarding the request are the following:

(i) The Notice of Allowance dated November 5, 2003 for this application indicated that Applicants were entitled to 0 days of patent term adjustment. Applicants have enclosed a copy of the first two (2) pages of the Notice of Allowance as Exhibit B.

(ii) The issue fee for this application was timely forwarded to the US Patent and Trademark Office (hereinafter USPTO) on December 4, 2003.

(iii) The Issue Notification dated July 8, 2004 indicated that Applicants were entitled to 46 days of patent term extension (Exhibit A).

(iv) On July 14, 2004, Applicants reviewed the "Patent Term Adjustment History" section for this application on the secure section of PAIR. Applicants have enclosed a copy of the "Patent Term Adjustment History" obtained from PAIR as Exhibit C which notes the following three (3) entries:

- (a) 110 PTA days due to USPTO delay;
- (b) 29 PTA day reduction due to Applicants' delay; and
- (c) 35 PTA day reduction due to Applicants' delay.

(v) Applicants verified that the 110 days of patent term adjustment were due to USPTO delay and that the 29 days of patent term reduction were due to Applicants'

delay. However, Applicants disagree that an additional 35 days of a reduction of patent term were due to Applicants' delay.

(vi) This patent is not subject to a terminal disclaimer.

(vii) The facts regarding the incorrect 35 days of reduction of patent term adjustment are the following:

(a) A "Notice to File Missing Parts" was issued by the USPTO on October 31, 2001. Pursuant to USPTO rules and regulations, Applicants were entitled to file the Response within three (3) months from this mailing date to avoid a reduction in patent term, i.e., a Response had to be filed by January 31, 2002.

(b) PAIR indicated that the filing date of the Response to the Notice to File Missing Parts was December 18, 2001.

(c) Applicants forwarded the Response to the Notice to File Missing Parts to the USPTO on December 28, 2001 which was received by the USPTO on January 24, 2002. Applicants have enclosed a copy of the stamped postcard indicating receipt of the Response by the USPTO on January 24, 2002 as Exhibit D.

(d) Since the Response was timely received by the USPTO on January 24, 2002, no patent term reduction should be assessed to Applicants for the filing of this Response.

(viii) 35 days should be added to Applicants' PTA for a total of 81 days of PTA.

(ix) Pursuant to 37 CFR § 1.705(b)(1), Applicants have enclosed the fee of \$200 under 37 CFR 1.18(e). If the USPTO determine that Applicants' are correct in their determination of PTA, Applicants request that this fee be refunded to Applicants Deposit Account 08-3040.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

HOWSON AND HOWSON
Attorneys for Applicants

By Mary E. Bak
Mary E. Bak
Registration No. 31,215
Spring House Corporate Center
Box 457
Spring House, PA 19477
(215) 540-9200



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NEW [Printer Friendly Version](#)
Patent Term Adjustment (PTA) for publication number:
09/917,963

			Days
Filing or 371(c) Date:	07-30-2001	USPTO Delay (PTO):	110
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	64
Post-Issue Petitions (days):	+0	Total PTA:	46
USPTO Adjustment (days):	+0	Explanation of Calculations	

Select Search Option

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- Continuity Data
- Image File Wrapper
- File History
- Published Documents

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Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
07-27-2004	Patent Issue Date Used in PTA Calculation	110	
06-22-2004	Receipt into Pubs		
06-21-2004	Dispatch to FDC		
06-21-2004	Application Is Considered Ready for Issue		
12-08-2003	Mailroom Date of Issue Fee Payment		
12-08-2003	Statement Filed Indicating a Loss of Entitlement to Small Entity Status		
05-21-2004	Receipt into Pubs		
05-13-2004	Workflow - Query Request - Finish		
03-18-2004	Workflow - Query Request - Begin		
12-23-2003	Workflow - File Sent to Contractor		
12-08-2003	Issue Fee Payment Recorded		
11-05-2003	Mail Notice of Allowance		
11-03-2003	Notice of Allowance Data Verification Completed		
11-03-2003	Case Docketed to Examiner in GAU		
10-20-2003	Notice of Allowability		
10-02-2003	Date Forwarded to Examiner		
09-03-2003	Amendment after Final Rejection		
06-17-2003	Mail Final Rejection (PTOL - 326)		
06-16-2003	Final Rejection		

04-08-2003	Date Forwarded to Examiner		
04-08-2003	Response to Election / Restriction Filed		
03-13-2003	Mail Restriction Requirement		
03-12-2003	Requirement for Restriction / Election		
01-17-2003	Date Forwarded to Examiner		
01-17-2003	Response after Non-Final Action	29	
01-17-2003	Request for Extension of Time - Granted		
09-19-2002	Mail Non-Final Rejection		
09-18-2002	Non-Final Rejection		
09-03-2002	Preliminary Amendment		
04-12-2002	X-Pre-Legal Complete New Case		
12-07-2001	Information Disclosure Statement (IDS) Filed		
04-12-2002	Case Docketed to Examiner in GAU		
03-08-2002	Application Dispatched from OIPE		
03-07-2002	Application Is Now Complete	35	
12-18-2001	Additional Application Filing Fees		
12-18-2001	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic		
10-31-2001	Notice Mailed—Application Incomplete—Filing Date Assigned		
10-30-2001	Correspondence Address Change		
10-05-2001	Error(s) in CRF Corrected by STIC		
08-06-2001	IFW Scan & PACR Auto Security Review		
07-30-2001	CRF Disk Has Been Received by Preexam / Group / PCT		
07-30-2001	Initial Exam Team nn		

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Exhibit D

RECEIVED BY THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Paper: Response to Notice to File Missing Parts of Application (in duplicate w/First Class Mailing Stamp); copy of Notice to File Missing Parts; Executed Combined Declaration and Power of Attorney; authorization to charge deposit account #50-1619 for 65.00 for Missing Parts fee

Applicant(s) : Crooke and Graham
Serial No. : 09/917,963
Filed: July 30, 2001
Docket No. : ISPH-0591

Date Sent: December 28, 2001

